IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN. NO.204 OF 2007
IN
APPEAL NO. 178 OF 2007
IN
SESSIONS CASE NO. 155 OF 2006

Abdul Raheman Shaikh ..Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.S.A.Bhagat counsel for Applicant
Smt.V.R.Bhosale, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 27, 2007

P.C.

1. Heard Mr.Bhagat, the learned counsel for the applicant and Smt.V.R.Bhosale, the learned A.P.P. for the State.

2. The applicant has been convicted under Section 376(f), 354 and 506 of IPC and sentenced to R.I. for ten years. The applicant is now seeking bail.

3. It is the prosecution case that on 29.12.2005 the applicant committed rape on P.W.2 who is a

child of four years of age. The medical evidence shows that there was fresh tear to the hymen. No doubt C.A. report does not show that there was any semen. However, the evidence of the prosecutrix and the other evidence is sufficient to show that the applicant committed rape on the prosecutrix who was 4 years old at that time. Looking to the facts of this case, no case is made out for grant of bail.

4. Application is rejected.

[V.K.Tahilramani, J.]